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QUESTION OF EAST TIMOR

Letter dated 28 July 1993 from the Chargé d'affaires a.i. of
the Permanent Mission of Portugal to the United Nations
addressed to the Secretary-General

I have the honour to transmit herewith a copy of a letter on the Pacific Regional Seminar to Review the Political, Economic and Social Conditions in the Small Island Non-Self-Governing Territories which I have addressed to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (see annex I). I also take this opportunity to transmit the statement made by the head of the delegation of Portugal to that Seminar, which was held at Port Moresby from 8 to 10 June 1993 (see annex II).

I should be grateful if you would have the text of the present letter and its annexes circulated as an official document of the General Assembly under item 121 of the provisional agenda.

(Signed) José Caetano da COSTA PEREIRA
Chargé d'affaires a.i.

* A/48/150.

ANNEX I

Letter dated 28 July 1993 from the Chargé d'affaires a.i.
of the Permanent Mission of Portugal to the United Nations
addressed to the Chairman of the Special Committee on the
Situation with regard to the Implementation of the
Declaration on the Granting of Independence
to Colonial Countries and Peoples

Further to the statements made by the representative of Portugal before the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, I would like to draw your attention to the report of the Pacific Regional Seminar to Review the Political, Economic and Social Conditions in the Small Island Non-Self-Governing Territories, held at Port Moresby, Papua New Guinea from 8 to 10 June 1993, that was issued as an official document of the United Nations, A/AC.109/1159.

Portugal would like to express its perplexity over the fact that the above-mentioned report does not contain any reference to the discussions on East Timor that took place at that seminar, especially since the seminar itself was dedicated to the problems of decolonization in the Asia/Pacific region, that is to say in the geographical area where East Timor is found.

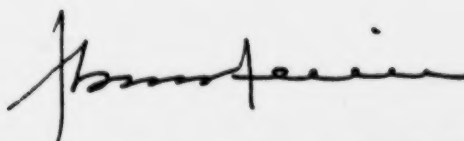
In fact, the question of East Timor was indeed addressed at that seminar by a number of participants including the Ambassador of Portugal to Canberra, who took part in the seminar in his capacity of representative of the administering power of that non-self-governing territory which had been invited, in that capacity, to participate in the meeting. The statements of other representatives of non-self-governing territories were, on the other hand, summarized in the document referred to above.

My country must protest at such an inexplicable omission and we reiterate our strong objection to such an unjustifiable and discriminatory treatment of a territory that is included in the list of non-self-governing territories which are the concern of the Committee, since its decolonization is not completed.

I would also like to point out that Mr. José Gusmão took part in the Seminar as a representative of the National Council of Maubere Resistance, which is an East-Timorese organization and not from Portugal as stated in the list of participants contained in Annex III of document A/AC.109/1159.

Finally, I would like to emphasize that Portugal has, over the past few years, continued to offer its fullest cooperation to the Special Committee. In doing so we are responding positively to your appeals, as Chairman of the Committee, to the administering powers to cooperate with the United Nations. It is, therefore, difficult for us to understand the situation described above.

I am addressing a letter to the Secretary-General today requesting that the text of our statement made at the Port Moresby Seminar and of this letter be circulated as an official document of the United Nations.



(Signed) José Caetano da COSTA PEREIRA
Chargé d'affaires a.i.

ANNEX II

Statement made by the Head of the Delegation of Portugal
to the Pacific Regional Seminar to Review the Political,
Economic and Social Conditions in the Small Island Non-
Self-Governing Territories, held at Port Moresby
from 8 to 10 June 1993

The Portuguese delegation wishes, first of all, to greet you Mr. Chairman and the members of this seminar. I would like to stress once again our appreciation for the work the Special Committee has done during the last decades in the sensitive area of upholding the rights of colonial peoples. Portugal was present and took an active part in the Regional Seminar on Decolonization held in Vanuatu in May 1990. On that date we all celebrated the 30th anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

That year saw the birth of the present International Decade for the Eradication of Colonialism, with a view to, until the end of this century, fully applying the Declaration to all non-self-governing territories.

My delegation would also like to express its gratitude to the host country, to the Government and people of Papua New Guinea. Their kind hospitality will no doubt contribute to the success of our work.

Portugal was invited to attend this seminar in its capacity as the administering power of the non-self-governing territory of East Timor as recognized by the United Nations and the international community. We deeply regret the impossibility of finalizing, till now, the decolonization of the territory in accordance with the principles of the Charter, of the declaration and other relevant United Nations resolutions.

To go straight to the point, I will start by reminding the seminar of the very basic principles which are at stake in the decolonization process of East Timor, yet to be completed. They are as follows:

- 1) the illegitimacy of military conquest as an acceptable claim for territorial enlargement;
- 2) the respect for the basic and inalienable right of the East-Timorese to self-determination;
- 3) upholding of basic human rights and fundamental freedoms.

As members of the seminar are no doubt aware, international fora and public opinion are sufficiently informed as to the fact that none of the above principles have been observed in the case of

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East Timor.

The invasion of East Timor in 1975 violated the basic principles of international law and, accordingly, the unilateral annexation of the territory was never recognized by the international community.

It is an indisputable fact that territorial enlargement obtained by force cannot, in our days, be accepted by the international community. A non-self-governing territory cannot be considered as a terra nullius prone to be conquered by a powerful and ruthless neighbour, irrespectively of the motives or justifications that might be alleged.

The United Nations Security Council and General Assembly adopted several resolutions reaffirming the right of the people of East Timor to self-determination and demanding the withdrawal of the foreign occupying forces. These resolutions, however, have never been complied with.

Efforts were made throughout the years to make the United Nations and the international community turn a blind eye on the illegal situation created in East Timor and to convince them that "this issue was no longer a problem". However, the United Nations and the international community, in general, have never recognized the completion of the decolonization process in East Timor. The latter remains listed as a non-self-governing territory under the administration of Portugal.

You would certainly agree with me that we have come to a rather peculiar situation in which the administering power, striving to achieve the decolonization of a territory for which it is held responsible, has been asking for the support of the international community to carry it through. And this against the stubborn and illegitimate opposition of an occupant which happens to be a former colonial territory (that had to fight honorably in the past for its own freedom) and who is the present holder of the non-aligned movement's chairmanship.

Since the problem of decolonization of East Timor is still unresolved - and that is why the Special Committee is dealing with it and that I am here on behalf of the administering power legitimately responsible for the territory - I will address now an essential requisite for its completion, the second principle I referred to above: the principle of self-determination.

The right to self-determination is an inalienable right of the colonized countries and peoples and has specifically been recognized to the people of East Timor through General Assembly and Security Council resolutions. The process of decolonization cannot be concluded without its exercise, validated by recognition by the United Nations, and this has not as yet happened.

As the administering power, the main objective of Portugal's

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policy towards East Timor is the completion of the process of decolonization. This should be done with full respect for the United Nations Charter, General Assembly and Security Council resolutions (accepted in total by Portugal), and for the legitimate rights of the East Timorese people, including the right to freely choose their political destiny.

We are not acting in this instance with the expectation of material benefits - this would be absurd if not ridiculous - or with tardy and unjustified neo-colonialist motives. We will recognize any choice made by the people of East Timor regarding their political future as long as it is freely and validly made. More than seventeen years of struggle against a status quo imposed by force, taking several different forms and against all odds, is the best evidence that it is imperative for the people of East Timor to exercise their right to self-determination in order to end the violence and repression in the territory.

This takes me now to the third principle I mentioned: the defense of human rights and fundamental freedoms in East Timor.

I am not going to repeat here what is already known by everybody: the history of the forceful occupation of the non-self-governing territory of East Timor has been marred by an implacable repression, directly or indirectly causing many thousands of deaths.

The numbers mentioned are between one hundred and two hundred thousand. This represents a human sacrifice in a proportional scale probably without parallel in the second half of this century.

The massacre of Timorese civilians, on the morning of the 12th November 1991, in Dili, interrupted the stubborn silence that had been kept on the situation. In spite of the declaration reached by consensus on 4/3/92 by the United Nations Commission on Human Rights, we are far from knowing the full circumstances of that intolerable brutality, as well as those responsible for it.

Some symbolic punishment was applied to them, while the civilians accused of organizing or participating in the demonstration (without being accused of acts of violence) were given very heavy sentences, including one for life. Faced with the non-compliance with the most essential aspects of the consensus declaration, the Commission adopted with strong support a resolution on East Timor, last 11th of March. The fact that the Human Rights Commission had not approved a resolution on this matter for ten years lends to this last one a special meaning, reflecting the worsening situation in the territory and the growing awareness by the international community of the seriousness of this question as a whole.

The trial and sentence of life imprisonment given to the East Timorese leader Xanana Gusmão was the most recent and obvious case of the disrespect shown by the illegally occupying power of East

Timor towards either the United Nations resolutions or the universally accepted international standards of fairness. The occupation of East Timor is illegal, according to the United Nations resolutions, and the trial is, therefore, not legitimate. Can the struggle for self-determination of a non-self-governing territory be considered "rebellion" or "separatism"? Are we really living during the last years of the 20th century?

After a purely political process and trial conducted in well known circumstances (even the occupant's own code of penal procedure was not respected, having been denied to the accused the right to present his own defense), Xanana Gusmão was given a inhumane life sentence. In his speech to the court he denounces the true farcical nature of his trial and reaffirms his ever present convictions. He has been kept incommunicado since the sentencing and has not been visited by family or the International Red Cross. This organization has actually publicly announced that it had been forced to suspend its visits to the East Timorese political prisoners, because the minimum conditions required for this kind of action had not been respected.

Bishop Belo, apostolic administrator in Dili, declared last 24th April to the New York Times that "people are living in fear in East Timor" despite the Indonesian Government's insistence that the human rights situation had improved. Torture of political prisoners is routine and several people captured at the time of the November 1991 massacre were killed. Scores of people are still missing since that occasion. New waves of arrests took place when Xanana Gusmão, in November 1992, and Ma'Huno, another East Timorese leader, in April 1993, were captured.

The lesson we can learn from these more than seventeen years of illegal occupation of East Timor, is that without a political solution which will address the substance of the question, the violence and the abuses of human rights will not cease.

Someone has already called the situation in East Timor a legacy of the cold war. As many other legacies of this kind, the "status quo" has not settled but it has rotted away. Military conquest is no longer an acceptable way of acquiring possession of a territory, and, as recent examples have shown, lasting solutions can not be built over the denial to peoples of their freedom.

Methods of colonial repression like the massacre of 12th November and the sentencing to life imprisonment of Xanana Gusmão show the true nature of the authority being used in East Timor and must be strongly condemned by the international community.

Portugal proposed, two months after the 12 November massacre, to initiate, without pre-conditions and under the auspices of the

Secretary-General, a dialogue with Indonesia and with all the parties directly concerned. This with the aim of reaching a just comprehensive and internationally acceptable settlement of the question of East Timor. Representatives of the people of East Timor, from different quarters of opinion, will have to be associated to the dialogue. Whatever the solution may be, their rights will have to be respected, in conformity with the principles of the United Nations Charter and international law.

Portugal is firmly engaged in collaborating in full with the good offices of the Secretary-General, and has taken part in the meetings already held, at diplomatic and political level, by which the proposed dialogue was initiated. I will simply add that these first efforts have not yet, unfortunately, produced substantial results.

We have already agreed that, taking into account the vast differences of opinion on the substance of the question, we should consider the adoption of "confidence-building measures", in order to improve the climate of dialogue. The trial and resulting sentence on Xanana Gusmão and the continuation or unacceptable violations of human rights in East Timor are not conducive to the improvement of that climate of dialogue.

The East Timorese question is not, though, a bilateral problem. It is not a dispute of conflicting claims over the same territory. It is a problem that deeply involves the international community. It contends with basic principles that preside over international relations, affecting fundamental rights both of the peoples and of individuals. It is a challenge to the United Nations Charter, to the General Assembly and the Security Council.

Just a few years ago, two small countries of the Pacific area become members of the Security Council. Countries, irrespective of their geographical, demographic or economic dimension are entitled to the same rights and to participation in the international community.

My delegation is certain that the situation in East Timor is followed in the Asia-Pacific region with an increasing particular concern. The Timorese plight deserves the attention and good offices of each and everyone of us.
